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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed on February 27, 2006. In the Office Action, the Examiner notes that claims 1-21 are pending and rejected.

By this response, Applicants have amended claims 1, 3, 6-7, 15-17, 19-20 and canceled claims 8-9. No new matter has been added.

In view of both the amendments presented above and the following remarks, Applicants submit that the claims now pending in the application are not anticipated under the provisions of 35 U.S.C. §§102. Thus, Applicants believe that all the claims are allowable.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

OBJECTIONS

The Claims

The Examiner has objected to claims 6 and 7 as being incorrectly dependent upon, respectively, claims 5 and 4, rather than claim 1. Applicants have amended claims 6 and 7 to be dependent upon claim 1 as suggested by the Examiner. Therefore, Applicants respectfully request that the Examiner's objection be withdrawn.

REJECTIONS

REJECTION UNDER 35 U.S.C. §102

Claims 1-3 and 6-21

The Examiner has rejected claims 1-3 and 6-21 under 35 U.S.C. §102(e) as being anticipated by Pandya et al. (USPN 6,671,724, hereinafter "Pandya").

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"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added)). The Pandya reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

Applicants' independent claims 1, 19 and 20 recite:

1. A method for monitoring, from a remote location comprising a monitor and control unit, operations of a head-end in an information distribution system, the method comprising:

- receiving at the monitor and control unit status from the head-end relating to operations performed at the head-end;
- receiving identities of a plurality of remote devices designated to receive status from the head-end via the monitor and control unit;
- receiving an indication of capabilities of each remote device of the plurality of remote devices designated to receive status;
- forwarding at least a subset of the received status from the monitor and control unit to the plurality of remote devices, wherein status are forwarded to each remote device of the plurality of remote devices in conformance with the indicated capabilities;
- receiving a response message from a particular remote device; and
- forwarding the response message to the head-end wherein the received response message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the head-end. (emphasis added).

19. A method for monitoring, from a remote location, operation of a head-end in an information distribution system, the method comprising:

- at the remote location, receiving information from the head-end relating to one or more operations performed at the head-end, wherein the received information includes status and indications of possible error conditions relating to the one or more operations performed at the head-end;
- receiving, at the remote location, identities and indications of capabilities of one or more remote devices designated to receive the information relating to the one or more operations performed at the head-end; and
- forwarding at least a subset of the received information from the remote location to the one or more remote devices in conformance with the indicated capabilities;
- receiving a response message from a particular remote device; and

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forwarding the response message to the head-end wherein the received response message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the head-end. (emphasis added)

20. A method for remotely monitoring and controlling operation of a head-end in an information distribution system, comprising:

maintaining identities and indications of capabilities of one or more remote devices designated to receive information relating to one or more operations performed at the head-end;

providing, from a remote location to one or more remote devices, status from the head-end relating to one or more operations performed at the head-end in conformance with the indicated capabilities;

receiving, at the remote location, from a particular remote device one or more response messages; and

adjusting at least one parameter of a particular operation performed at the head-end in accordance with the one or more response messages. (emphasis added).

The present invention is directed, in part, toward a method to allow personnel with a remote device such as a cell phone or pager to receive a status from the head-end via a monitor and control unit and to send a response message back from the remote device to the head-end via the monitor and control unit to adjust a parameter of an operation of the head-end.

Pandya does not disclose any response message being transmitted from a remote device to a head-end via a remote location as claimed.

Pandya discloses in FIG. 4 a method to control the domain 76 using control points 72 and agents 70. The control points monitor the status of network resources and share this information with the agents within the control points' domain. The agents monitor network resources and the activity of the device it is associated with and communicate this information to the control points. In response, the control points alter the behavior of particular agents in order to provide the desired network services such as improved QoS for VoIP. In addition, the agents may be configured to have embedded control point entity and may operate without an associated control point entity. (i.e., col. 7, lines 3-39). Moreover, Pandya discloses in column 20, lines 39-67 that a configure utility is used to manage objects and resources by interfacing with administrator modules. Specifically, Pandya discloses administrator modules that are

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located with agents and control points and interface with each other. This arrangement allows the configuration utility to configure various setting relating to users, applications and resources associated with a particular control point. This also allows configuring a control point's domain bandwidth specification. In addition, Pandya discloses that popapp may be used such that messages concerning resource status or network conditions may be provided via email or paging to IT personnel. (i.e., page 19, lines 28-31).

However, Pandya does not disclose the remote device of the IT personnel that receives a status from the head-end via a monitor and control unit and sends a response message back from the remote device to the head-end via the monitor and control unit to adjust a parameter of an operation. Thus, Pandya does not at least disclose the steps of forwarding the status to the remote device and forwarding a response message back for adjusting a parameter of the head-end.

Moreover, Examiner asserts in the Office Action that receiving and maintaining information of the remote devices such as shown in Table 1 of the specification is inherent because "the remote location would have to have the identity of the one or more remote devices designated to receive status, as well as receive an indication of the capabilities..." The applicants respectfully disagree. To send an email or a pager message of Pandya, one does not have to have the capabilities of the remote device. One merely needs to know the number or the address. In the present invention, one may choose to send only text, only graphics, or both because the message is capable of being sent to a plurality of different remote devices. The ability to perform this function is not inherent to the method of Pandya.

In light of the remarks above, Applicants submit that Pandya does not anticipate independent claims 1, 19 and 20. It is believed that independent claims 1, 19 and 20 are allowable under 35 U.S.C. §102. Furthermore, claims 7-8 have been canceled and dependent claims 2-3, 6-18 and 21 depend directly or indirectly from independent claims 1, 19 and 20 and recite additional limitations thereof. As such and for at least the same reasons discussed above with respect to independent claims 1, 19 and 20, Applicants submit that these dependent claims are also not anticipated by Pandya and

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are allowable under 35 U.S.C. §102. Therefore, Applicants respectfully request that the rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.


CONCLUSION

Applicant submits that claims 1-3 and 6-7, 10-21 are in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jasper Kwoh at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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